

CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

**Monthly Meeting
June 5, 2002 - 3:00 p.m.**

**Children & Families Commission Offices
University of California Building
Suite 230
550 E. Shaw
Fresno, CA**

CONSENT AGENDA ITEM NO. 9a

Recommendations:

Approve Commission Minutes – May 1, 2002 Meeting

MINUTES OF THE MAY 1, 2002 MEETING

Present: Chair Bob Waterston, Secretary/Treasurer Gary Carozza, Commissioners Marion Karian, Kathleen McIntyre, LeeAnn Parry, Oscar Sablan; Executive Director Steve Gordon, Commission Counsel Holley Perez

Absent: Commissioners Luisa Medina (excused) and Gary Zomalt (excused)

Chair Waterston called the meeting to order at 2:50 p.m.; a quorum was established. He recessed the meeting to closed session. The regular meeting was reconvened at 3:15 p.m.

4. Report of Closed Session - Chair Waterston reported the only action taken by the Commission was discussion on establishing an evaluation process for Commission staff.

5. Consent Agenda

- a. Approve Commission Minutes – April 3, 2002
- b. Receive Financial Report for March, 2002

Public Comment: None

Commissioner Carozza (Lascano second) moved to approve the consent agenda as presented. Motion approved unanimously.

ACTION ITEMS

6. Discuss and Approve Commission Policy on Supplanting* (Gordon/Perez)

Director Gordon presented background on the issue of supplanting, including how vaguely the issue is dealt with by State Children & Families Act and expressed staff's desire to have some policy in place prior to the next round of funding. Since the Act does not specifically address this issue, each County is establishing its own interpretation of supplantation, although very few counties currently have policies established. He explained that both state and local counsel have stated that it is not a legal issue but a policy issue. Staff recommendation is based on staff interpretation of the intent of the legislation, which is to deal with new and innovative programs.

In addition to the recommended policy, staff is recommending a Commission initiative be established which will help assist programs which are cut completely or have funds reduced but are valuable to the population served by Prop. 10 and the community overall. This

would be a way to help such programs find additional funding and be a short term, stop gap measure for these programs, with the emphasis on continuing programs where children's safety is at risk or those programs which would be cut so severely they could not continue.

Discussion: Chair Waterston asked for definitions of "supplant" and "supplement" and the difference(s) between the two.

Commissioner McIntyre also asked for an explanation of supplanting. Director Gordon stated that the state Act states that if a program is funded by *general fund moneys*, and those funds were eliminated or cut, Prop. 10 funds could NOT be used to take the place of those funds. Some counties (Los Angeles in particular) are making the interpretation that Prop. 10 can not substitute for any current funding source; this is the recommendation that Commission staff is making to this Commission. McIntyre asked for further definition, using the example of ABC Agency which receives a cut in funding or no funding at all for their nurturing parenting classes for parents of 4-year olds, Prop. 10 funds could not be used to continue the program. Director Gordon stated this was correct; Commissioner McIntyre clarified that this program would have to be eliminated and they would have to reapply as if a new program. Director Gordon stated this interpretation is not stated in the legislation but is the recommendation to this Commission. He also stated that if the program ended because it was time-limited, then Prop. 10 funds could be used because the funding from other sources is concluded and Prop. 10 might be able to pick the program up.

Chair Waterston wondered whether this Commission wanted to go the same route as another county and cut out all funding that would replace previous funds or take each instance on a case-by-case basis, as is now being done. Director Gordon stated that the proposed Children's Relief Initiative would give the Commission an "out", a mechanism to continuing funding really good programs and/or those which directly impact the safety and welfare of children while the agency providing the program sought other funding sources.

Commissioner McIntyre stated that it appears that some of the same agencies that the Commission is funding for three-year programs seem also to be applying for \$5000 mini-grants; she asked if this was not supplanting. Director Gordon stated no because the programs are different or new; staff is not basing funding recommendations on the agency receiving the funding but on the program. Chairman Waterston reiterated that the Commission ultimately still decides on what is and what is not funded, and that when proposals are made "from left field" or are "revised" to appear new or different, but are basically the same program or a continuation of a program, it is the Commission's decision whether or not to fund.

Counsel Perez stated that the supplanting language is already in the legislation, which prohibits supplanting of general funds. She reviewed some case law from Federal courts concerning supplanting.

Director Gordon reviewed what the Commission was being asked to approve:

a. Commission policy on supplanting:

Children & Families Commission of Fresno County will not fund services that have been, or are to be, completely or partially reduced in funding, if the services have been shown to have been supported by any other funds. Special consideration may be given to projects that have been, or are to be, completely or partially reduced in funding that are supported by time-limited funding sources that are coming to an end.

Portions of existing projects may be considered for funding if such portions are clearly defined and distinct expanded/enhanced portions of existing programs;

The Commission will consider for funding proposed augmentations to existing programs for supplemental, new services not previously provided

- b. Approve the establishment of a Children's Relief Initiative that will address the funding of proposed services addressing immediate threats to the health and safety of children 0-5 years in Fresno County or if the severity of the cutbacks to proposed services threaten the existence of the program/services.

Commissioner Karian asked whether the intent of the proposed policy was only for public funds. Director Gordon responded, no, that the intent of the proposed policy was to cover all sources of funding.

Counsel Perez stated that the existing legislation is clear that the programs funded with Prop. 10 funds supplement existing services and programs. Commissioner Carozza agreed that the legislation is clear that these funds should supplement and not supplant. He further stated that a relief mechanism is included in this proposal that would allow this Commission to select those programs for continuation with time-limited funding that is ending. Director Gordon stated it would not be supplanting anything if there is no money. Carozza asked if the Commission would also be asked to evaluate those programs which have lost their funding and pick and choose whether to provide additional/continued funding to them if there was indication that that program was having a significant impact on the community and go ahead and replace that funding from Prop. 10. He asked if staff feels comfortable with the risk of what the intent of the law is and giving the Commission the authority to pick and choose.

Perez stated a technical definition is supplanting existing funds with Prop. 10 funds to utilize those funds for the same programs and services that would be available with other existing levels of funding. Chair Waterston asked if there was a legal reason to take action on this at this time; he asked if in the application process the question couldn't be asked whether or not the proposed program was meant to replace one that is in existence, is or will be discontinued, or cut from state or federal funding. Program Operations Coordinator Kendra Rogers said that Commission staff is receiving inquiries from agencies that are facing cutbacks in programs and are coming to the Commission and "we'd like to partner with you" to get Prop. 10 funds, so it's not just a matter of going through the regular advertised funding cycles, but what staff response should be when approached about going outside approved funding cycles or funding mechanisms.

Counsel Perez stated that the Commission needed to be very careful and treat everyone in the same manner. If there is policy but no exceptions to the policy, there must be clear definitions to the policy. Director Gordon stated he felt in order to treat everyone equal there needed to be policy.

Commissioner McIntyre said it was her understanding that the policy of the Commission was for agencies or programs to apply for funding through an advertised RFP process, and if they are aware of the potential cuts in their program, they would apply accordingly and not wait until the cuts actually occurred to come looking for money from the Commission. She feels the Commission does not need a policy on supplanting but should stick to the RFP process. Special Projects Coordinator Brian Mimura reminded the Commission that in June they will be asked to approve two additional funding mechanisms, new ways for the Commission to identify great programs to support in the community and not all of them follow the standard RFP process; one involves pro-active dialog with groups in the community to find out where there is a great opportunity for our funds to augment others and to find something that really meets the needs of the kids and families. This heightens the need for a policy to facilitate meaningful discussion.

Commissioner Parry said her concern was that adoption of this policy would be tantamount to announcing to the public that Prop. 10 moneys are available to fill the gaps in funding from other sources, whether or not that was the intent. She feels that the policy should be made more on a case-by-case basis, as is done now, in order to assure that quality programs are funded which are in the best interest of the children. Director Gordon agreed with her concern, and stated that additional guidelines would be developed for implementing the policy adopted.

Commissioner Sablan asked what happens when Prop. 10 takes over some of these programs, where is the incentive for government agencies to put funding back in to these programs if Prop. 10 is doing it. He feels the Commission should stick to the letter of the law, that we should not supplant existing programs funded by general funds.

Commissioner Carozza said he felt continuing with the advertised RFP process and requiring disclosure of funding sources for all proposals, although the staff may feel they are left in a tough place, it still requires the Commission to take deliberative action and provides flexibility for the Commission.

Public Comment: Joy Grado, Marjaree Mason Center, stated she agreed that there probably should be a policy, but what is presented is a little restrictive and recommended the verbage from Los Angeles County, which she feels is clear and less restrictive. She said even time-limited funding goes away, it doesn't always mean a program ceases. She also questioned where the money would come from for the *Initiative* and wouldn't funds from the Initiative be considered "special attention". She also questioned how the determination would be made whether the cuts were legitimate to the program area being funded by Prop. 10 funds.

Megan Fitzgerald stated she felt that without establishing a policy the Commission would be opening itself up to more "hurt" than it would be with the loose guidance and procedures now in place. She urged the adoption of a policy on this because the state government will continue to eat away at Prop. 10 funds as much as it can.

Susan Thompson, Fresno County HSS, stated that the Commission has the power to make decisions based on the needs in the community and that the flexibility that is in the existing law gives the Commission a lot of room to think about program needs rather than bureaucratic needs

Vickie Hoyle, Fresno County EOC, felt there were two issues identified and a third one she felt was important: (1) putting children at risk; (2) for the Commission to automatically take over budget cuts from the legislature takes the pressure off the legislators to do what they need to do; and (3) staff services. She felt that the new Advisory Committee was an excellent forum to meet everyone's needs; this body could be utilized to hear proposals and make recommendations to the Commission. She also said she felt that emphasis should be put on evaluation in this process.

Discussion: Director Gordon said he didn't disagree with anything said, but he wants to set clear direction on who we are and what we want to become. He said that so far, the Commission has had relatively clear policy which has been followed, and although they sometimes aren't liked by everyone and may not fit their particular need, but they have been fair and equitable. He wants to see that continued. He is afraid that without a policy, there is still the necessity for someone to "sit in judgment", whether that be staff, the Advisory Committee or the Commission because no one has a good basis for making decisions.

Commissioner Karian said she felt with the work currently being done on Commission priorities for the Strategic Plan that the plan will be much more strategic than in the past and this may give us additional guidelines around which the Commission can make more informed decisions.

Commissioner Sablan moved (Carozza second) that the Commission deliberate on each issue as it comes before the Commission and that we wait for other counties for guidance in this issue.

Discussion: Commissioners Lascano and Carozza said they each had requested some sort of policy to be developed by staff on this issue, but felt comfortable in this decision to go more slowly.

Chairman Waterston asked Commission Counsel whether it would be possible to bring this issue back in six months or so should the need arise; Perez responded that it would be possible to bring this up at any time in the future the Commission wanted to do so. He also reiterated that agencies coming to Commission staff asking about funding should be directed to ask that their proposal be placed on the Commission agenda and discussed by the Commission.

Motion approved unanimously.

7. Discuss and Approve Supplemental Legal Counsel (Gordon)

Director Gordon presented his recommendations for the need to retain supplemental counsel on specific issues, for second opinions, or when there appears there may be a conflict of interest. He stated that other counties, including some counties which are not independent agencies from the county, do retain alternative outside counsel as needed.

Discussion: County Counsel Perez explained that attorneys are required to disclose conflicts of interest to their clients and help the client obtain unbiased counsel when needed. She said, while the County does have the capability in most instances to meet the needs of the Commission, there is no reason that the Commission shouldn't obtain outside counsel when it is needed.

Chairman Waterston asked Counsel whether the Commission needed a policy on this or if the Commission can seek outside counsel when needed without such policy. Perez stated that the Commission could use its discretion as issues come up. Commissioner Carozza said he wanted to make sure that the Executive Director had the authority to request additional counsel be retained.

Public comment: None.

No action taken. Director Gordon asked whether the direction the Commission was giving was that the Executive Director can utilize, as needed, legal counsel other than County Counsel. He was assured that he could utilize current policy and enter into agreements, with the consent of the Commission Chair, for non-programmatic items under \$20,000 as long as there are funds budgeted.

8. Discuss and Approve Funding first Quarter General Mini-Grants (Gordon/Rogers)

Program Operations Coordinator Kendra Rogers reviewed the background on the Mini-Grant Program and shared that 25 applications for the General program, which provides for services and programs for children other than direct child care, were received by the March 29 first quarter deadline. Three applications were returned to the submitter for corrections for second quarter submission, and staff recommends awarding \$98,399 to 22 providers in

this first round, leaving approximately \$102,000 of the budgeted amount for the remaining three quarters of awards. Rogers suggested the Commissioners pull any applications they have questions about and approve the remaining as a group.

Commissioner McIntyre asked how many of these applicants are currently receiving Commission funds. Rogers responded that all were, with the exception of Sablan Medical Corp., Valley Health Team, Inc., Center for Communication Skills, Deaf and Hard of Hearing Service Center, Inc., and St. Agnes Medical Center. Dry Creek and Tarpey Preschool programs are not currently receiving funds through any of the other grants being received by Clovis Unified. Chairman Waterston asked what type of insurance requirements we include in our contracts, and how well protected Commission funds are from fire, etc. Rogers and County Counsel assured him that our contracts do take these items into consideration and the Commission is covered.

Public Comment: Kim Lamb, Children's Hospital, asked about the award to Clovis Unified Nursing Dept., and whether the asthma medications were for demonstration or dispensing. Rogers and Rose Marie Amaral, CUSD Nursing Dept., responded that this was for dispensing of medications through the school-based health clinics established in Clovis Unified.

Commissioner McIntyre asked about the recommended award for breast pumps to Children's Hospital. The Lactation Coordinator from CHCC stated that in the Neo-natal Intensive Care Unit (NICU), there are no breast pumps available to loan to nursing mothers with children in the NICU. There are pumps in the hospital for them to use, but none for them to utilize at home to keep their milk supply sufficient.

Discussion: Commissioner Carozza said he was willing to make a motion to approve those items not pulled. Commissioner McIntyre commented that she saw that there were a number of agencies that have received a fair portion of Prop. 10 funding and that she is feeling a little uncomfortable seeing that some of these same agencies are coming back again and again for mini-grants, etc., for smaller amounts of money for this or that program, and these are the agencies that have the grant writers who can do that for the agency. She felt that it would be nice if there was more of a partnership and collaboration between agencies as opposed to their being territorial and developing independent programs that are well funded to begin with rather than seeing what other services can be combined.

Commission Counsel Perez asked for disclosures of conflict of interest. Commissioner Sablan disclosed his conflict with Sablan Medical Corp.

Commissioner Carozza (Lascano second) moved to approve staff recommendations for the following General Mini-Grant Awards:

NAME OF AGENCY	FUNDING RECOMMENDATION
Children's Hospital of Central California	\$5,000
Stone Soup Fresno	\$5,000
Clovis Unified School District Nursing Dept.	\$5,000
Clovis Unified School District Child Development Dept.	\$4,434
Community Medical Centers, Ambulatory Care Services	\$4,978
Valley Health Team, Inc.	\$5,000
The Discovery Center	\$5,000
Center for Communication Skills	\$4,595
Mendota Unified School District Preschool	\$4,989
Parlier Unified School District	\$4,992
Fresno County Superior Court	\$4,003

NAME OF AGENCY	FUNDING RECOMMENDATION
Parent Mobile	\$5,000
Deaf and Hard of Hearing Service Center, Inc.	\$5,000
Saint Agnes Medical Center, Footsteps	\$4,944
Cal-SAFE – CUSD	\$5,000
Central Unified School District	\$5,000
Clovis Unified School District – Special Education Language Speech	\$5,000
Clovis Early Start Program	\$5,000
Dry Creek Preschool	\$574
Tarpey Preschool	\$1,080
Fresno Unified Student Health Center	\$5,000
TOTAL (minus Sablan Medical Corp.)	\$94,589.00

Motion approved unanimously.

Commissioner Carozza (Lascano second) moved to approve General Mini-Grant funding to Sablan Medical Corporation in the amount of \$3,810. Motion approved, 6-0; Sablan abstaining.

9. Discuss and Approve School Readiness Grantee Name Changes (Rogers/Bouheben)

School Readiness Coordinator Anne Bouheben explained that Commission staff is requesting a change in the fiscal agents for the two Fresno Unified School District schools (Mayfair and Burroughs Elementary) approved for Phase I funding under the School Readiness Initiative. Both schools desire to contract with Comprehensive Youth Services (CYS) to serve as their fiscal agent for these grants. The schools are currently using outside agencies to serve as their fiscal agents for programs operated out of the Neighborhood Resource Centers and the use of a fiscal agent other than the school district allows the schools more flexibility in terms of expediting staffing and budget issues. The change in contracting fiscal agency will not affect the implementation of the school readiness program at either school or any of the program components.

Discussion: Al Sanchez, Principal, Mayfair Elementary stated that the schools would like to have the greater flexibility an outside fiscal agent affords them for staffing and budget issues. He stated they have used CYS in the past as a fiscal agent for various programs with great success and mutual satisfaction. The schools would appreciate this flexibility and the lessening of “red tape” that this will create for this project.

Public Comment: None.

Commissioner Carozza (Sablan second) moved to approve the change in fiscal agents for the Phase I School Readiness contracts for Mayfair and Burroughs Elementary Schools from Fresno Unified School District to Comprehensive Youth Services. Motion approved, 6-0; McIntyre abstaining.

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DISCUSSION ITEMS

10. Update on Evaluation (Gordon/Nyberg)

Director Gordon introduced Dr. Kenneth Nyberg, Director, Applied Research Center, California State University, Bakersfield, who gave an overview of the evaluation contract.

- ARC took over the evaluation contract in January 2002 after another contractor had stepped aside, and that progress for the first year is on task and time for everything that needs to be done for the evaluation protocols.
- Site visits for all Round 1 grantees have been completed and evaluation plans and protocols for those providers will be completed by the end of May.
- Baseline trend data has been obtained on 17 variables for the county; these will be reported next month with the quarterly progress report.
- GIS formatting has been initiated for all of the data.
- Informed consent procedures have been drafted and are in the process of being approved by the various counties involved.
- Human subject and institutional review board approval has been obtained through CSU-Bakersfield.
- ARC has hired staff to support the Fresno County contract and they are housed just around the corner from the Commission. He introduced Dr. Ed Nelson, Research Scientist for Fresno County, and Dr. Robert Palacio, Research Scientist for Madera County who are both housed in the ARC-Fresno office.
- A productive working relationship with Corporation for Standards and Outcomes (CS&O), the data management software providers, has been established.

11. Summary of Commission Investments (Gordon/Rogers/Mimura/Petersen/Ledesma-Lopez)

Director Gordon explained that the term "investment" in this case means the programs the Commission has invested in through awards in funding. This is the first of continuing reports or overview on programs since Prop. 10 funding began in Fresno County.

Special Projects Coordinator Brian Mimura gave a general overview of how the Commission has invested and is spending Prop. 10 funds according to the strategic result areas as outlined in the current Strategic Plan. He directed the Commission's attention to information on "Funding by Service Type" (50% in direct services, followed by 35% for Systems Improvement), the "Estimated Outside Leveraged Funds" (estimated outside leveraged funding of \$33,270,323 vs. Commission funds of \$27,455,770), the geographic areas served (Fresno/Clovis metro, non-metro and combination), and the number and ethnicity of children and families served.

Commissioner Carozza requested that data on in-kind, as well as leveraged funds, be obtained for further comparison on how Commission dollars are being "extended".

Program Operations Coordinator Kendra Rogers briefly reviewed the number of contracts currently in place and the total dollars expended during the first year of funding services.

Program Specialists George Petersen and Christina Ledesma-Lopez gave overviews of the first year programs for the following service providers:

West Fresno Health Care Coalition – This is a project initiated by Children's Hospital Central California. This was originally an 18-month development project which progressed so quickly and comprehensively that services are now actually being provided through the

Coalition. Commission funds for this grant will be exhausted in October and they are currently developing a sustainability plan to continue the programs.

California Council of Churches – Faith-based child care project to support quality child care in church congregations. In the first year, 34 congregations have been given technical assistance to evaluate expansion or improvement of their child care programs, two congregations have completed the application process to establish a licensed child care facility, with a third in the application process.

Centro Binacional Para Indigena Oaxaqueno – A one year planning grant to conduct a survey in the Casa San Miguel community development, which is a community relocation project involved with an EPA “Superfund” site. Three hundred residents in and around the Casa San Miguel community were surveyed, with health care, child care and access to social services (job placement, etc.) being the most crucial needs. The Commission was one of a number of local, state and federal agencies working on this project.

Centro La Familia Advocacy Services – The *Abuelitas y Mamacitas Promotoras* project in the rural communities of Huron and Firebaugh, where grandmothers are trained to provide child development and parenting skills training to young mothers, particularly those from Mexico. Preschool readiness training for parents and preschool instruction for the children aged 3-5 enrolled in this program have been provided; 176 families representing about 285 children 0-5 have been served. In the second year of the funding award, they plan to expand the program to the community of Mendota.

Ledesma-Lopez highlighted other awards received by two Commission service providers: Polly Franson, Executive Director for CASA, received a Top 10 Business Woman of the Year Award for 2001, and the Marjaree Mason Center was honored in 2001 with a Central California Excellence in Business award in the non-profit category.

Chair Waterston suggested that Commission staff make a similar presentation to the Board of Supervisors. Director Gordon responded that the Strategic Plan will go to the board for review and comment in June/July.

Waterston asked if there were any mechanisms in place to track any of the children we provide services for after they reach age 6. Gordon stated that the state's School Readiness Initiative was addressing those issues directly. Nyberg stated that the informed consent protocols being followed cover the child through age 19 and that the actual mechanics of following children beyond Prop. 10 programs will require additional partnering with other agencies; this has been anticipated and will be addressed.

12. Discuss Policy on Funding Programs Targeted at Kindergarteners (Gordon/Rogers)

Rogers explained that a general mini-grant application was received for a program directly targeted at kindergartners, which brings up the definition of “5”. There is no strict definition in the state legislation, and some counties are interpreting that as to the 5th birthday while others are using through the 5th year and up to the 6th birthday. Staff is now requesting guidance from the Commission on whether they want to fund programs specifically targeted at kindergarten.

No discussion and no action taken.

13. Discuss Requiring Confirmation of No Criminal Record for Child Care Workers (Waterston)

Waterston expressed his concern about child care workers and criminal records. He asked for clarification on who is receiving Commission funds to and how concerned the Commission should be regarding this area. Gordon assured the Commission that

Commission funds are only going to licensed child care providers, not license-exempt (those caring for another family member's children) or unlicensed providers. He also stated it is very difficult for anyone with a criminal record to obtain a child care license. Rogers added that a required disclosure statement is included in all grant proposals that asks the question about either misdemeanor or felony convictions as well as any substantiated violations from Community Care Licensing; the Commission also reserves the right to do their own background screening.

UPDATES / INFORMATIONAL ITEMS

14. Advisory Committee

Director Gordon said the Advisory Committee held its first meeting and elected a chair and vice chair. He introduced Chair Dwight Miller, Superintendent, Caruthers Unified, and Vice Chair Christina Roup, a parent. The committee chose the second Friday of each month at 2 p.m. as their regular meeting date.

15. Investment Policy Implementation

Negotiations are still underway in finalizing a contract. Director Gordon feels all parties are reaching consensus and a final contract is imminent. Gordon announced that the merger of United California Bank and Bank of the West is official.

16. Strategic Plan / Budget

Director Gordon said that at the June meeting, revisions to the strategic plan and the budget will be presented. Staff has determined that the Commission cannot really move ahead until the priorities are in place and these will also drive the budget for the next fiscal year. He promised that all the issues will be "packaged" for the next meeting, so that voting on priorities, budget and allocations for the various funding mechanisms will be presented in June.

17. Public Comment:

Commissioner McIntyre would like to be sure, in relation to licensed child care facilities, that they are made aware that they are mandated reporters of child abuse.

Vickie Hoyle, Fresno EOC, stated that the Office of Rural Assistance, which provides free services to community based agencies would be a good source for partnering with the Commission in order to both identify and assist local community-based organizations. The Office of Rural Assistance can provide grant writing assistance to rural organizations and programs.

18. Adjournment: *Commissioner Carozza (McIntyre second) moved to adjourn the meeting at 5:15 p.m.*